

ENTERED

April 08, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

RAMON ALBERTO GONZALEZ,

§

Petitioner,

§

VS.

§

BOBBY LUMPKIN,

§

Respondent.

§

CIVIL ACTION NO. 1:20-CV-190

ORDER

In November 2020, Petitioner Ramon Alberto Gonzalez filed a Petition for a Writ of Habeas Corpus, challenging his state-court homicide conviction on the grounds that his trial counsel was ineffective. (Petition, Doc. 1) In responding to the Petition, Respondent Bobby Lumpkin, as Correctional Institutions Division Director for the Texas Department of Criminal Justice, moves for summary judgment, arguing that Gonzalez's Petition is time-barred. (Motion, Doc. 17)

A United States Magistrate Judge recommends that Gonzalez's Petition be dismissed as untimely filed or, alternatively, denied as meritless. (R&R, Doc. 43) Gonzalez sought an extension of time to file objections to the Report and Recommendation. (Motion, Doc. 49) The Court granted the extension to file objections (Order, Doc. 50), but Gonzales filed none within the extended time period.

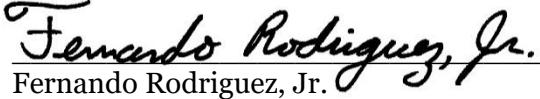
The Court finds no plain error within the Report and Recommendation. As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 43). It is:

ORDERED that Respondent Bobby Lumpkin's Motion for Summary Judgment (Doc. 17) is **GRANTED**; and

ORDERED that Petitioner Ramon Alberto Gonzalez's Petition for a Writ of Habeas Corpus by a Person in State Custody (Doc. 1) is **DISMISSED** as untimely filed, or alternatively, **DENIED** as meritless.

In addition, the Court finds that no outstanding issue would be debatable among jurists of reason, and that Gonzalez fails to make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Accordingly, the Court **DENIES** a Certificate of Appealability.

Signed on April 8, 2022.


Fernando Rodriguez, Jr.
United States District Judge